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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,360	08/06/2003	Larry Postel Wait	CRO830/01967	8880

24118 7590 08/26/2004  
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EXAMINER

SANDY, ROBERT JOHN

ART UNIT PAPER NUMBER

3677

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/635,360

Applicant(s)

WAIT ET AL.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 8, 9, 11 and 16 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6, 7, 10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08062003.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1 and 13 are objected to because of the following informalities:

In claim 1, line 3, the phrase “said large to ...” should be changed to read as - - said large opening to ... - -.

In claim 1, line 8, the phrase “at least opening” is in correct and should be changed to read as - - at least an opening - -.

And, in claim 13, line 12, the phrase “using said side of side socket” should be changed to read as – using said side of **said** socket --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 9, recitation of “said side” is indefinite for not distinguishing between one side of the pair of sides of the wedge socket or one side of the pair of sides of the wedge.

In claim 16, line 1, recitation of the phrase “said steps” renders the claim indefinite since it is not certain which of the steps of claim 13 the recitation defines.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackburn (U. S. Patent No. 1,090,377). Blackburn ('377) discloses a wedge socket

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with actuator assembly comprising: a wedge socket (member 2) having an elongated hollow basket (portion between walls 3) with a large opening at a first end, a small opening at a second end, an interior cross-section tapering from the large opening to the small opening, and a pair of sides; a connector (hooked end of 1) extending from the first end; a wedge (5) having a large end, a small end, a peripheral groove to receive a wire rope, and a pair of sides (see Fig. 5), one of the sides of the wedge has a series of recesses (openings 6 of member 5); the one side of the wedge socket has at least an opening (7) therethrough able to permit a tool to pass through to be received in one of the recesses in order to move the wedge with respect to the socket;

(concerning claim 4) the at least one opening through the wedge socket includes two slots (i.e., at least two openings 7 are shown in phantom in Fig. 4);

(concerning claims 5 and 11) a ratio of a diameter of the large end of the wedge to a diameter of the wire is a minimum of five or greater;

(concerning claim 9) lever means are defined by respective openings 6 and 7;

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackburn ('377) in view of Lucas et al. (U. S. Patent No. 5,553,360, cited by applicant). Blackburn ('377) discloses the claimed device except for wherein the connector includes a pair of

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jaws extending from the first end and a pin connecting the jaws. Lucas et al. ('360) shows an analogous wedge socket device in Figures 1 through 4, and having a connector including a includes a pair of jaws (30, 30') extending from the first end and a pin (40) connecting the jaws. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the connector of the wedge socket device of Blackburn ('377) with a connector having a pair of jaws extending from the first end and a pin connecting the jaws, as taught by Lucas et al. ('360), in order to connect the wedge socket device to a clamshell bucket or a driver of a pile drive for lifting an object.

*Allowable Subject Matter*

Claims 2, 3, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10, 12 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 13-15 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding claims 13-15, the prior art of record fails to teach or suggest the method to engage a wedge having the combination of steps to at least include the step of actuating the wedge with respect to the wedge socket by inserting a tool through at least one opening in the side of the socket and in to at least one recess in one of the sides of the wedge where the side of the socket is used as a fulcrum to move the wedge.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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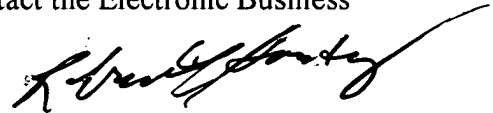
*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rogers (U. S. Patent No. 3,905,711), Baer (U. S. Patent No. 3,335,470), Blackburn (U. S. Patent No. 1,078,605), and Chadbourne et al. (U. S. Patent No. 5,507,671) shown wedge and wedge socket structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ROBERT J. SANDY  
PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
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